

## **EASEMENT DONATION DEED**

**THIS DEED**, made this \_\_\_\_\_ day of \_\_\_\_\_, 2001, by and between the **COUNTY SCHOOL BOARD OF YORK COUNTY**, a political subdivision of the Commonwealth of Virginia, having its principal place of business at 302 Dare Road, Yorktown, Virginia 23692, and **COUNTY OF YORK**, a political subdivision of the Commonwealth of Virginia, Post Office Box 532, Yorktown, Virginia 23690, hereinafter referred to as the **GRANTORS**, and the **UNITED STATES OF AMERICA**, 1849 "C" Street, N.W. Room 2444, Washington, D.C. 20240, hereinafter referred to as the **GRANTEE**.

WITNESSETH:

**WHEREAS**, the Grantor, County of York School Board, is the owner of certain land and improvements thereon comprising the York High School in the Nelson Magisterial District, York County, Virginia, including the fee simple title to the land over which the southern half of a portion of former Virginia State Route 634, also known as Surrender Road, was located, within the boundaries of COLONIAL NATIONAL HISTORICAL PARK, such property identified as a portion of Tract 01-135; and

**WHEREAS**, the Grantor, County of York, is the owner of certain land and improvements thereon, in the Nelson Magisterial District, York County, Virginia, including the fee simple title to the land over which the southernmost portion of former Virginia State Route 634, also known as Surrender Road, was located, within the boundaries of COLONIAL NATIONAL HISTORICAL PARK, such property identified as a portion of Tract 01-101.

**WHEREAS**, the Grantee, United States of America, is the owner of certain land located in York County which has been used as the Yorktown Battlefield, within the Colonial National Historical Park, a portion of which adjoins portions of Surrender Road.

**TRANSFER TAX EXEMPTION RECITAL:**

This conveyance is tax-exempt pursuant to Virginia Code Section 7.1-22(c); 58.1--811(A)(3) and 58.1-811(C)(3), as amended.

This deed was prepared by the National Park Service, Northeast Region, Land Resources Program Center, U.S. Custom House, 200 Chestnut Street, Philadelphia, PA 19106.

**WHEREAS**, the Secretary of the Interior is authorized by Public Law 71-510, dated July 3, 1930 (46 Stat. 855), as amended, 16 U.S.C. 81 to acquire by donation, purchase, or otherwise, lands or interests in lands within the boundaries of Colonial National Historical Park.

**WHEREAS**, the County abandoned the public easement and right of passage over 1.5 miles of State Route 634, Surrender Road, between its two intersections with State Route 704 (Cook Road) by its Resolution R94-9, adopted January 20, 1994. The County School Board of York County, York County, and the United States of America desire to establish certain easements in connection with the development, use, operation, maintenance, repair and replacement of the Park properties.

**NOW THEREFORE**, the Grantors, in consideration of the public benefit to be derived from the use of the property as a portion of the Colonial National Historical Park sufficiency whereof are hereby acknowledged, Grantors do hereby donate, grant and convey with GENERAL WARRANTY and English covenants of title unto said Grantee and its assigns, forever, a perpetual and assignable easement and right-of-way to locate, construct, operate, maintain, and repair a roadway and utility lines in, upon, over, and across those portions of land within Surrender Road (Tract 01-135) that are owned by the Grantors, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way, and to use the same for park purposes, over land more particularly described as follows:

All that certain strip, piece or parcel of land, situate in the Nelson Magisterial District, York County, Virginia, being the southern half of the easternmost extremity of Surrender Road at its southernmost intersection with Cook Road, and more particularly described as follows:

Beginning at the point of intersection of the southern right of way line of Surrender Road, former State Route 634, with the western right of way line of Cook Road, State Route 704;

Thence running in a generally northwesterly direction for a distance of 360 feet, more or less, to the property line of other property owned by the United States of America, designated as "Parcel 01-101" on that certain unrecorded plat entitled "Land Status Map 01" of the Colonial National Historical Park, dated January 1982, last revised September 9, 1998;

Thence running in a northeasterly direction, and generally in a perpendicular direction to the southern right of way line of Surrender Road for a distance of 15 feet, more or less, to a point in the center of the right of way of Surrender Road, formerly State Route 634;

Thence along the center line of Surrender Road, former State Route 634, in a generally southeasterly direction and parallel to the southern right of way line of Surrender Road, formerly State Route 634, for a distance of 360 feet, more or less, to the western right of line of Cook Road, State Route 704;

Thence turning and running in a southerly direction along the western right of line of Cook Road, State Route 704, to the point of beginning.

Being a portion of the property acquired by the County School Board of York County, Virginia, by deed from the United States of America, dated September 16, 1953, and recorded in the Clerk's Office of the Circuit Court of York County, Virginia, in Deed Book 85, at page 186.

Being a portion of the property acquired by the County of York, Virginia, by deed from Slater M. Mapp and Kathleen D. Mapp, dated December 4, 1997, and recorded in the Clerk's Office of the Circuit Court of York County, Virginia, in Deed Book 983, page 271.

**PURSUANT TO** and in accordance with the provisions of 40 U.S.C. sec. 255 and Virginia Code sec. 7.1-18.1[C], the United States accepts concurrent jurisdiction as provided by the said Virginia code sec. 7.1-18.1[C] over the interest in lands described herein.

**THE ACQUIRING** federal agency is the National Park Service, U.S. Department of the Interior.

**SUBJECT TO** those rights, if any, outstanding in third parties for existing easements for public roads and highways, public utilities, railroads and pipelines.

**TO HAVE AND TO HOLD** the herein described estates in land and rights unto the Grantee and its assigns forever.

**THE SAID GRANTORS** covenant they have the right to convey such interests in land; that they have done no act to encumber the same; that the said Grantee shall have quiet and peaceful possession of the same, free and clear from any encumbrances; that they will warrant generally the estates in land hereby conveyed; and that it,



**ATTEST:**

County of York

BY: \_\_\_\_\_

BY: \_\_\_\_\_

STATE OF VIRGINIA )

)ss

COUNTY OF YORK )

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2001, before me the undersigned officer, personally appeared James O. McReynolds, County Administrator, known to me to be the individual described in and who executed the foregoing instrument and acknowledged the same before me in the aforesaid jurisdiction.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

**GRANTEE ACCEPTANCE**

The above and foregoing deed was authorized to be accepted by the United States of America, as aforesaid, and the said Grantee does hereby accept the foregoing Deed, by and through BOYD L. SPONAUGLE, Realty Officer, Department of the Interior, National Park Service, Northeast Region, Land Resources Program Center, U.S. Custom House, 200 Chestnut Street, Philadelphia, PA 19106-2988, hereunto duly authorized this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

UNITED STATES OF AMERICA

\_\_\_\_\_  
BOYD L. SPONAUGLE

STATE OF                    )  
                                  )ss  
COUNTY OF                )

I, \_\_\_\_\_, a Notary Public in and for the State of Pennsylvania, do certify that Boyd L. Sponaugle, Realty Officer for the National Park Service, whose name is signed to the foregoing writing dated this \_\_\_\_\_ day of \_\_\_\_\_, 2001, has acknowledged the same before me.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_